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Attorney Docket No. A-33684/US (formerly 8484-029-999)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Hanswalter ZENTGRAF et al.	
Appln. No.:	08/913,139	
Filing Date:	February 9, 1998	Examiner: P. Nolan
	ANTIBODIES ACTIVE AGAINST A FUSION POLYPEPTIDE COMPRISING A HISTIDINE PORTION	Group Art Unit: 1644
Title:		

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR §1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED****JAN 30 2004****OFFICE OF PETITIONS**

I hereby certify that this document is being sent via Express Mail addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 16, 2004.

  
Judi Stillwell

Dear Sir:

Applicant hereby petitions for the revival of the above-identified patent application, which was unintentionally abandoned under 37 CFR §1.137(b).

1. **Statement of Relevant Facts.** In response to a final office action issued on October 21, 2002, Applicants timely filed on March 14, 2003 an Amendment and Response, along with a Petition for a Two Months Extension of Time and a Notice of Appeal. On October 14, 2003, Applicants filed, in lieu of an Appeal Brief, a continuation application, Serial No. 10/686,355, Attorney Docket No. 33684/US-BM. However, the present application may have been abandoned at the time the continuation was filed for failure to file a Petition for Extension of Time.

In a subsequent telephone conference with the patent office, the Examiner stated that he was going to issue a Notice of Allowance in the instant application, and that this would ensure co-pendency with continuation application Serial No. 10/686,355. This Petition to Revive is being filed as a precaution as Applicants were not able to identify a rule clearly stating that under the given facts, co-pendency between the instant parent application and continuation Serial No. 10/686,355 was in fact maintained. If the patent office determines that a Petition to Extend Time was not required under the given facts, Applicants respectfully request to be informed accordingly, and that no fees are charged.

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2. The entire delay in filing the Notice of Appeal from the due date for the filing of a Notice of Appeal until the filing of a grantable petition under 37 CFR 1.37(b)(3) was unintentional.
3. The proposed response:
  - has been filed.
  - is attached.
    - The proposed response is the filing of a Petition for a Five (5) Months Extension of Time, along with the applicable fees, to ensure co-pendency with the continuation application Serial No. 10/686,355 filed on October 14, 2003. If the patent office determines that a Petition to Extend Time was not required under the given facts, Applicants respectfully request to be informed accordingly, and that no extension fee is charged.
4. Fee under 37 CFR 1.17(m):
  - Small business entity (non-profit)—fee \$650.
  - A verified statement is attached.
  - A verified statement was filed in the subject application.
  - Other than small entity—fee \$1,210.00
5. Payment of fee:
  - Enclosed please find a check in the amount of \$ .
  - To the extent that the Patent Office determines that the instant application was abandoned on October 14, 2003 when Continuation Application Serial No. 10/686,355 was filed, charge the fee required for the Petition for Extension of Time, estimated to be \$1,005.00, and for the fee required for this Petition to Revive, estimated to be \$665.00, to Deposit Account 50-2319.

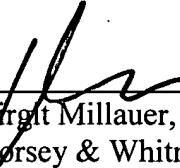
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- Charge Deposit Account 50-2319 for any additional sums the Patent Offices determines to be due. A duplicate of this petition is attached.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: January 16, 2004

By:   
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